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Gary Mousseau

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EXAMINER

STRANGE, AARON N

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/925,810	<b>Applicant(s)</b> MOUSSEAU ET AL.	
	<b>Examiner</b> AARON STRANGE	<b>Art Unit</b> 2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15, 21-26, 28-41, 48, 50-58 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 21-26, 28-41, 48, 50-58 and 60-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Applicant's assertion that the "status of the present application as a CIP application is proper" (Remarks, 26-27) is noted. The Examiner agrees that the present application is a CIP application. However, as noted in the Office action of 7/11/2008 (§3), the claims of the present application are not supported by the disclosure of the prior filed applications, U.S. Patent Application No. 09/782,380 and 09/087,623 (Now US Patent No. 6,219,694).

Accordingly, while the application may be a continuation-in-part of one or more of the prior filed applications, the claims of the present application are not entitled to an effective filing date as of the date any of the above noted prior applications were filed. Since the application also claims priority to US provisional application 60/227,947, which does appear to provide support for the current claims, the effective filing date of all pending claims in the filing date of the provisional application, 8/25/2000.

### ***Response to Amendment***

2. Applicant's amendments to claims 1, 32 and 41 are acknowledged. However, contrary to Applicant's assertion (Remarks, 27), the amendments do not incorporate all of the subject matter present in originally filed claim 49. The subject matter that has been incorporated is insufficient to place the application in condition for allowance, and the claims are rejected as set forth below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 15-20, 29, 30, 32, 36, 41-48, 52-55 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192).

5. With regard to claim 1, West discloses a method of redirecting data from a host system (fig. 1, carrier 20) to a mobile communication device (fig.1, WD 10) capable of communicating via a short-range communication network (LAN via docking station)(col. 3, ll. 23-26) and a long-range wireless communication network (wireless network)col. 2, ll. 40-43), the method comprising the steps of:

receiving data at the host system (value added services initiate communication with the wireless device at the carrier)(col. 2, ll. 53-54)

determining whether the mobile communication device is within coverage of the short-range wireless communication network (carrier checks to see which virtual base station the wireless device is connected to)(col. 3, l. 55 to col. 4, l. 6);

if the mobile communication device is within coverage of the short-range communication network, then redirecting the received data from the host system to the

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mobile communication device via the short-range communication network (if wireless device is connected to a docking station, the data will be forwarded via that connectivity)(col. 3, ll. 40-54); and

if the mobile communication device is not within coverage of the short-range wireless communication network, then redirecting the received data from the host system to the mobile communication device via the long-range wireless communication network (if the device is not connected to a docking station, the data will be forwarded via the wireless network)(col. 2, ll. 50-54).

West fails to specifically disclose that the docking station permits communication via a short range *wireless* communication network including a plurality of short range wireless sub-networks, each including a plurality of RF-enabled interface cradles.

In a similar system for permitting communication between a wireless device and a host system, Bork teaches a short-range wireless (Bluetooth) enabled docking station that interfaces with a Bluetooth-enabled wireless device to establish communications between a host system and the wireless device (col. 5, ll. 52-58). This would have been an advantageous addition to the system disclosed by West since it would have allowed the wireless device to establish communication with the carrier via the LAN connection without requiring a physical connection to the network.

Watanabe also discloses a similar system for communication between a wireless device and a host system. Watanabe teaches providing a connection to a LAN via a wireless sub-network including a plurality of RF-enabled interfaces (access points) (fig. 1; col. 5, ll. 29-57). The use of one or more wireless sub-networks would have been an

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advantageous addition to the system disclosed by West and Bork since it would have allowed users to wirelessly connect to the host system via a Bluetooth->LAN connection, while permitting the network to be partitioned into smaller units to enable more users to be handled by the system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a short range wireless enabled docking station to connect the wireless devices to the carrier through a plurality of sub-networks since it would have permitted a relatively high speed, low cost connection to the network without requiring the device to be physically connected to the network, while allowing the network to be partitioned into smaller units to support more users.

6. With regard to claim 2, West further discloses:

the mobile communication device transmitting contact information to the short-range wireless communication network indicating it is within coverage of the short-range wireless communication network (whenever the connectivity changes, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting the contact information to the host system indicating that the mobile communication device is within coverage of the short-range wireless communication network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28).

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7. With regard to claim 3, West further discloses:

the short-range wireless network detecting that the mobile communication device is outside of coverage of the short-range wireless network (whenever the connectivity changes, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting lack of contact information to the host system indicating that the mobile communication device is outside of coverage of the short-range wireless communication network(authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28).

8. With regard to claim 4, West further discloses:

storing the contact information and the lack of contact information at the host system (proof of receipt/authentication information is stored at the carrier to ensure device is authorized to communicate with the carrier)(col. 1, ll. 38-44; col. 4, ll. 33-37).

9. With regard to claim 5, West further discloses:

providing a user profile database at the host system (carrier), the user profile database including identification information for a plurality of mobile communication devices (MSN, ESP or PIN), and also including contact information and lack of contact information for each of the plurality of mobile communication devices (carrier maintains database correlating unique ID of mobile device with its current location; carrier also

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maintains connectivity authentication information, as discussed above)(col. 3, l. 55 to col. 4, l. 6).

10. With regard to claim 6, West further discloses:

receiving contact information at the host system, the contact information including the identity of a particular mobile communication device and a network address on the LAN for a particular interface cradle (carrier receives and stores information including ID of mobile device and its current IP address, which may be the IP of a wireless interface cradle)(col. 3, l. 55 to col. 4, l. 6);

storing the contact information in the user profile database; associating the received data to the particular mobile communication device (col. 3, l. 55 to col. 4, l. 6); and

redirecting the received data to the particular wirelessly-enabled interface cradle using the contact information stored in the user profile database (data is routed to the mobile device via the docking station when connected)(col. 3, l. 65 to col. 4, l. 2).

11. With regard to claim 8, West further discloses:

when the mobile communication device is within the physical proximity of the short range wireless network, generating contact information (whenever the connectivity changes, which would occur when the device is within range of the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and



transmitting the contact information to the host system; and using the contact information to determine whether the mobile communication device is within coverage of the short-range wireless network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28). Bork discloses that connectivity with the docking station may be established when the mobile device is within range (within physical proximity) of the docking station (connection may be established by coupling device to cradle or when within range of the Bluetooth network)(Bork; col. 5, ll. 56-58).

12. With regard to claim 9, West further discloses:

when the mobile communication device is not within the physical proximity of the short range wireless network, generating lack of contact information (whenever the connectivity changes, which would occur when the device is within range of the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59); and

transmitting the lack of contact information to the host system; and using the lack of contact information to determine whether the mobile communication device is within coverage of the short-range wireless network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28). Bork discloses that connectivity with the docking station may be established when the mobile device is within range (within physical proximity) of the docking station (connection may be established by coupling device to cradle or when within range of the Bluetooth network)(Bork; col. 5, ll. 56-58).

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13. With regard to claim 10, the combined system of West and Bork further discloses:

placing the mobile communication device in an interface cradle coupled to the short-range wireless network (device may be placed in the cradle)(Bork; col. 5, ll. 56-58);

generating contact information indicating that the mobile communication device is physically connected to the short-range wireless network (whenever the connectivity changes, which would occur when the device is coupled to the alternate connectivity, the wireless device transmits authentication information over the new connection to establish connectivity)(col. 4, ll. 56-59);

transmitting the contact information to the host system; and

using the contact information to determine whether the mobile communication device is within coverage of the short-range wireless network (authentication process occurs with the carrier)(col. 1, ll. 38-39; col. 5, ll. 26-28). Bork discloses that connectivity with the docking station may be established when the mobile device is coupled to the docking station (connection may be established by coupling device to cradle or when within range of the Bluetooth network)(Bork; col. 5, ll. 56-58).

14. With regard to claim 15, the combined system of West and Bork further discloses that the short-range wireless network includes a Bluetooth-enabled wireless device coupled to a network (West discloses a docking station coupled to the network)(West;

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col. 3, ll. 23-26)(Bork discloses the use of Bluetooth-enabled docking stations in particular)(Bork; col. 5, ll. 39-47).

While West and Bork do not specifically disclose multiple wireless devices, one of ordinary skill in the art would have understood West as a system containing multiple wireless devices, particularly in light of West's discussion of the "proliferation of wireless devices" (col. 1, ll. 44-46) and the goal of the invention to enable those numerous devices to access services via alternative connections (col. 1, ll. 60-33). Furthermore, regardless of one's understanding of West, it would have been obvious to one of ordinary skill in the art to add additional docking stations to permit multiple users to interface with the system and obtain connectivity from various points on the network.

15. With regard to claim 29, Bork further discloses that the host system is a desktop computer system (fig. 10, 10).

16. With regard to claim 30, West further discloses that the host system is a network server (carrier 20).

17. Claims 32, 36, 41, 48, 52-55, 57 and 58 are rejected under the same rationale as claims 1-6, 8-10, 15, 29 and 30, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

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18. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Munday et al. (US 6,480,593).

19. With regard to claim 11, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to disclose activating a screen saver program at the host system and, if the screen saver program is activated, determining that the mobile communication device is not within coverage of the short-range wireless network.

Munday discloses a similar system for redirecting communications (phone calls and/or emails)(col. 6, ll. 58-65) based on the current location of a user (Abstract). Munday teaches that it may be inferred that a party is absent when the screen saver of the computer used by the party has been activated (col. 2, ll. 16-20; col. 5, ll. 41-49). When the screensaver is activated, the system assumes that the party has moved to a new location, and diverts the communications to a second location. This would have been an advantageous addition to the system disclosed by West and Bork since it would have allowed the system to assume that a mobile device has lost connectivity with a docking station when a screen saver has been activated on a desktop system attached to the docking station.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redirect communications over the long range network when a screen saver has activated on a desktop system attached to the docking station

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since it is likely that the user is no longer within range of the short range network accessible at the docking station.

20. Claims 12-14, 33, 34, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Merriam (US 6,408,187).

21. With regard to claim 12, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to specifically disclose detecting whether a user of the mobile communication device is in physical proximity to the short-range wireless network.

Merriam discloses a similar system for controlling the operation of a wireless communication device based on the physical proximity of the user (Abstract). Specifically, Merriam teaches using sensors to predict the likelihood that a user is within physical proximity to the communication device, and therefore, in physical proximity to any networks to which the device is connected (col. 3, ll. 26-36). This would have been an advantageous addition to the system disclosed by West and Bork since it would have allowed the device to alert the user of incoming data in a manner depending on the proximity of the user to the device/network, to ensure that the user is effectively notified while minimizing disturbance of others (Merriam; fig. 2; col. 5, ll. 4-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to detect whether a user is in physical proximity to the

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short range wireless network, and adjust the behavior of the mobile device in accordance with the result of the detection.

22. With regard to claim 13, Merriam further discloses that a heat sensor may be used to detect the physical presence of the user (col. 3, ll. 61-62).

23. With regard to claim 14, Merriam further discloses that a visual image sensor (motion sensor) may be used to detect the physical presence of the user (col. 4, ll. 1-3).

24. Claims 33, 34, 60 and 61 are rejected under the same rationale as claims 12-14, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

25. Claims 21, 22, 37, 38, 64-66 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Boesen (US 6,560,468).

26. With regard to claim 21, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to specifically disclose a mobile communication device having a first component worn on the belt of a

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user and a second component work in the user's ear and redirecting a voice call to the second component and a redirecting a data message to the first component.

Boesen discloses a wireless device comprising a first wireless component (cellular transceiver 14) worn on the belt of a user (fig. 1, 14; col. 3, ll. 12-13) and a second wireless component worn in the user's ear (fig. 1, 12; col. 3, ll. 17-36). Belkin teaches redirecting received voice calls to the second wireless component (cellular calls are received and redirected to the second wireless component in the user's ear)(col. 5, ll. 1-6) and redirecting data messages to the first wireless component (cellular transceiver 14 contains a PDA that can receive data such as e-mail messages). This would have been an advantageous addition to the system disclosed by West and Bork since it would have allowed users of the wireless devices to simultaneously participate in a voice call and access data services with a single wireless device (Boesen; col. 1, ll. 62-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wireless device having separate components for receiving voice calls and data messages to allow simultaneous access to voice and data services.

27. With regard to claim 22, Boesen further discloses:

redirecting the voice call from the host system to the first wireless component of the mobile communication device (transceiver receives voice data from cellular network)(col. 5, ll. 1-3); and

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redirecting the voice call from the first wireless component to the second wireless component of the mobile communication device (voice data received by the transceiver is converted into low power RF and sent to the second component)(col. 5, ll. 3-5).

28. Claims 37 and 38 are rejected under the same rationale as claims 21 and 22, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

29. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Official Notice.

30. With regard to claim 23, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), it fails to specifically disclose that the long-range wireless network is the Mobitex network, the GSM/GPRS network, or the CDMA network.

The Examiner takes Official Notice that Mobitex, GSM/GPRS, and CDMA were old and well known in the art at the time the invention was made. West simply uses a generic wireless connection, and fails to limit the network to a particular type (col. 4, ll. 24-28). Use of Mobitex, GSM/GPRS and/or CDMA in place of West's wireless network would have been a predictable variation of West and one of ordinary skill in the art



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would have recognizes that using these common network types would have allowed users of those networks to have "improved access to the carrier's value-added services' (West; col. 1, ll. 60-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Mobitex, GSM/GPRS and/or CDMA in place of West's wireless network.

31. Claims 24, 56, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Lemilainen et al. (US 6,766,160).

32. With regard to claim 24, while the system disclosed by West and Bork shows substantial features of the claimed invention (discussed above), including connecting the mobile device to the short-range wireless network (device may be placed in docking station)(West; col. 3, ll. 23-26)(Bork; col. 5, ll. 56-58), it fails to disclose exchanging a shared secret between the mobile device and the host system and using the shared secret to encrypt the data prior to redirecting it from the host system to the mobile device.

Lemilainen discloses a similar system for communicating between a wireless device and a network (Abstract). Lemilainen teaches exchanging a shared secret (link key)(col. 2, ll. 32-34) between the mobile device and a host system on the network (link

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key is exchanged after successful authentication)(col. 7, ll. 40-49) and using the shared secret to encrypt the received data prior to redirecting it from the host system to the mobile device (it is known in the art that Bluetooth link keys are used to create the encryption keys used to encrypt data for transmission). This would have been an advantageous addition to the system disclosed by West and Bork since it would have increased the security of the communications redirected from the host system to the mobile device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to exchange a shared key between the mobile device and the host system and use the key to encrypt communications between the devices to make the communications between the two devices more secure.

33. Claims 56, 62 and 63 are rejected under the same rationale as claim 24, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

34. Claims 25 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Lemilainen et al. (US 6,766,160) further in view of Griffiths (US 7,136,999).

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35. With regard to claim 25, while the system disclosed by West, Bork and Lemilainen shows substantial features of the claimed invention (discussed above), it fails to specifically disclose configuring and storing a password at the host system and prompting a user to enter the password before generating the shared secret.

Griffiths discloses a similar system for authenticating a short range wireless link between two electronic devices (Abstract). Griffiths discloses the authentication scheme for the well known Bluetooth protocol Griffiths discloses configuring and storing a password at a first electronic device (a numerical PIN is entered into the device)(col. 1, ll. 40-43) and prompting a user of the second wireless device to enter the password (the same password is entered at the second device)(col. 1, ll. 40-43). If the two passwords match, the link key is generated and exchanges (col. 1, ll. 44-52).

Since this authentication scheme is the scheme used by Bluetooth, it is almost certainly the same authentication used in Lemilainen. In the unlikely event that Lemilainen used some other type of authentication, it certainly would have been obvious to one of ordinary skill in the art to use Bluetooth's own authentication scheme to authenticate a connection between two Bluetooth devices.

36. Claim 35 is rejected under the same rationale as claim 25, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

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37. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Lemilainen et al. (US 6,766,160) further in view of Boesen (US 6,560,468).

38. With regard to claim 26, while the system disclosed by West, Bork and Lemilainen shows substantial features of the claimed invention (discussed above), it fails to specifically disclose a mobile communication device having a first component worn on the belt of a user and a second component work in the user's ear or providing the shared secret to the second wireless component for use in encrypting/decrypting communications between the fist and second components.

Boesen discloses a wireless device comprising a first wireless component (cellular transceiver 14) worn on the belt of a user (fig. 1, 14; col. 3, ll. 12-13) and a second wireless component worn in the user's ear (fig. 1, 12; col. 3, ll. 17-36). Boesen teaches redirecting received voice calls to the second wireless component (cellular calls are received and redirected to the second wireless component in the user's ear)(col. 5, ll. 1-6) and redirecting data messages to the first wireless component (cellular transceiver 14 contains a PDA that can receive data such as e-mail messages). This would have been an advantageous addition to the system disclosed by West and Bork since it would have allowed users of the wireless devices to simultaneously participate in a voice call and access data services with a single wireless device (Boesen; col. 1, ll. 62-64).

When extending the system to include a mobile device with two components, one of ordinary skill in the art would have recognized the need to encrypt the communications between the first and second wireless components to fully protect the communications. Doing so by providing Lemilainen's shared secret link key to the second wireless component would have been advantageous since it would have allowed the entire link to be secured with a single shared secret.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a wireless device having separate components for receiving voice calls and data messages to allow simultaneous access to voice and data services and provide the shared secret to the second wireless component to ensure that the entire communication link was secured.

39. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al. (US 6,449,722) in view of Bork (US 6,255,800) further in view of Watanabe et al. (US 6,834,192) further in view of Official Notice.

40. With regard to claim 31, while the system disclosed by West shows substantial features of the claimed invention (discussed above), including providing multiple communication paths for communicating with the mobile device (col. 5, ll. 38-42), it fails to disclose determining which communication path is least congested and selecting the less congested path for redirecting data to the mobile device.

The Examiner takes Official Notice that examining alternative paths for congestion and selecting a less congested path for data transmission is old and well known in the art. It would have been an advantageous addition to the system disclosed by West since it would have allowed data to be transmitted over a less congested link, generally resulting in faster data transfer and a reduced risk of lost data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to examine one or more alternative communication paths to the mobile device and select the path that is least congested for redirecting the data to the wireless device.

#### ***Allowable Subject Matter***

41. Claims 28, 39, 40, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

42. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2453

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/A. S./

Examiner, Art Unit 2453

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457